

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

97od-752

Oahu

Amendment to Prior Board Action of September 13, 1996,
Agenda Item D-41, Set Aside to City and County of Honolulu,
Board of Water Supply by Governor's Executive Order for Well
Purposes, Together with a Waterline Easement at Maakua,
Hauula, Koolauloa, Oahu, TMK: 1st/ 5-4-05:01 & 02.

REMARKS:

On September 13, 1996, agenda item D-41, the Board approved
the set aside to the City and County of Honolulu, Board of
Water Supply (BWS) by Governor's Executive Order (EO) for
Well Purposes, together with a waterline easement at Maakua,
Hauula, Koolauloa, Oahu, TMK: 1st/ 5-4-05:01 & 02.

Because the subject site is within both the Hauula Forest Reserve
under EO 1026 and a Governor's Proclamation dated December 23,
1932, a withdrawal must be approved prior to the set aside being
processed. This request was inadvertently omitted from the prior
Board submittal.

DAGS Survey rejected staff's set aside request until the Board
approves the withdrawal from EO 1026 and Governor's Proclamation
dated December 23, 1932.

On January 14, 2005 the Board approved an amendment to the prior
September 13, 1996 Board action to correct the missing withdrawal
request. The "Recommendation" section, item 1, failed to include
the Governor's Proclamation dated December 23, 1932. The
"Recommendation", item 1 section below is corrected by adding the
Governor's Proclamation citation.

RECOMMENDATION:

That the Board amend its prior action of September 13, 1996,
agenda item D-41, by adding to item 1 the following:

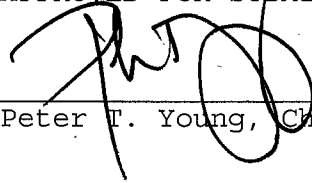
1. and Governor's Proclamation dated December 23, 1932

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 14, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

970d-752

Oahu

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processed. This request was inadvertently omitted from the prior
Board submittal.

DAGS Survey rejected staff's set aside request until the Board
approves the withdrawal from EO 1026 and Governor's Proclamation
dated December 23, 1932

RECOMMENDATION:

That the Board amend its prior action of September 13, 1996,
Agenda Item D-41, by adding the following:

1. Approve of and recommend to the Governor issuance of an
executive order withdrawing 0.91 acres from the Governor's
Executive Order No. 1026, subject to:
 - A. The standard terms and conditions of the most current
executive order form, as may be amended from time to
time;
 - B. Disapproval by the Legislature by two-thirds vote of
either the House of Representatives or the Senate or
by a majority vote by both in any regular or special
session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney
General; and

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

January 14, 2005

January 14, 2005

- D. Such other terms and conditions as may be prescribed
by the Chairperson to best serve the interests of the
State.

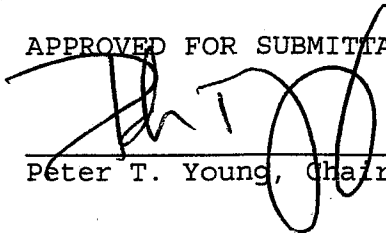
Respectfully Submitted,



Al Jodar
Land Agent



APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 13, 1996

Board of Land and
Natural Resources
Honolulu, Hawaii

SUBJECT: Set Aside to the City and County of Honolulu, Board of
Water Supply by Governor's Executive Order for Well
Purposes, Together with a Waterline Easement at Maakua,
Hauula, Koolauloa, Oahu, TMK: 1st/ 5-4-05:01 & 02

STATUTE: Section 171-11, Hawaii Revised Statutes, as amended.

APPLICANT: City and County of Honolulu, Board of Water Supply

FOR: Set aside by Governor's Executive Order for well purposes at
Maakua, Hauula, Koolauloa, Oahu, further identified as a
portion of Tax Map Key: 1st/ 5-4-05:01 & 02, as shown
outlined in red on the attached map labeled Land Board
Exhibit "A", together with a waterline easement outlined in
yellow on the attached map labeled Land Board Exhibit "A".

LAND TITLE

STATUS: Subsection 5 (b) land of the Hawaii Admissions Act, ceded
land.

STATUS: TMK: 5-4-05:01 Encumbered under Governor's Executive Order
No. 1026 which sets the land aside as an addition to the
Hauula Forest Reserve.

TMK: 5-4-05:02 Encumbered under Governor's Proclamation
Number Four as the Hauula Forest Reserve.

ZONING: State Land Use Commission: Conservation
City and County of Honolulu: P-1

LAND AREA:

Easement for an twelve-inch water pipeline: 88,063
sq.ft., more or less.

Set aside by Governor's Executive Order for well purposes:
39,454 sq.ft., more or less.

Areas are subject to final determination by the State Survey

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

SEPTEMBER 13, 1996

Office, Department of Accounting and General Services.

CHARACTER

OF USE: Twelve-inch water pipeline easement: Right, privilege and authority to access, construct, use, repair and maintain a twelve-inch water line and all other water related facilities, over, under and across State-owned lands.

Governor's Set Aside for water well and all other water related purposes: Construction, maintenance and management of a water well.

COMMENCEMENT

DATE: To be determined by the Chairperson

OEQC

REQUIREMENTS:

Land Board approved the Conservation District Use Permit No. OA-2636 on October 8, 1993. The Board further amended said permit and granted a time extension on July 12, 1996.

REMARKS: The Board of Water Supply, City and County of Honolulu, is requesting this land disposition so that they may further enhance the water supply to the windward community by sinking and operating a new water well in the Hauula Forest Reserve. They are preparing to commence construction activities late in September or early October. The project's approximate completion time is 450 calendar days.

RECOMMENDATION:

That the Board:

- A. Recommend to the Governor the issuance of an Executive Order setting aside the subject land together with a waterline easement to the Board of Water Supply, City and County of Honolulu under the above-listed terms and conditions which are by this reference incorporated herein and in addition to the following terms and conditions:
 1. Disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority of both, in any regular or special session next following the date of the set aside.
 2. In the event the lands set aside are not being utilized or required for the public purposes stated for a continuous period of one year or more: (a) The Board of Water Supply, City and County of Honolulu shall within a reasonable time restore the premises to a condition satisfactory to the Department of Land and Natural Resources; and (b) The Governor's Executive Order setting

aside the lands shall be withdrawn and the lands returned to the management and control of the Department of Land and Natural Resources, free of all liens and other encumbrances.

3. Review and approval of the set aside documents by the Attorney General's Office.
 4. Other terms and conditions as may be prescribed by the Chairperson.
- B. Authorize the issuance of an immediate construction right-of-entry to the Board of Water Supply to the above described, subject area, subject to the following terms and conditions:
1. The Board of Water Supply, City and County of Honolulu, shall indemnify and hold harmless the State of Hawaii, its officers, employees, and agents harmless against all claims for personal injury, death, or property damage caused by or in any way connected with the permission granted herein.
 2. The Board of Water Supply, City and County of Honolulu, shall comply with all applicable terms and conditions of the Conservation District Use Permit No. OA-2636 for the subject project approved by the Board on October 8, 1993 and as amended on July 12, 1996.
 3. The applicant shall be responsible for cleaning and/or restoring the area to its original condition or to a condition satisfactory to the Department of Land and Natural Resources upon completion of the construction.
 4. The applicant shall comply with all applicable rules, regulations, ordinances and statutes of the Federal, State and County governments relative to the use of the subject area, including those relating to public health and safety.
 5. In the event any unanticipated sites or remains of historic or prehistoric interest such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls are encountered during construction, the Board of Water Supply, its consultants and/or contractors shall stop work immediately and contact the State Historic Preservation Division in Honolulu at (808) 587-0047.
 6. Concurrence of the Governor of the State of Hawaii.

7. The Department of Land and Natural Resources and its Chairperson reserves the right to impose additional terms and conditions if necessary.

Respectfully submitted,



Cecil B. Santos
Oahu District Land Agent



APPROVED FOR SUBMITTAL:



MICHAEL D. WILSON, Chairperson

Kaipapau - Hauula Bdry

For of HAULLA, KOOLAULA, OAHU

For
to
be

State of Hawaii
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James K. Hendry, Jr. - $\frac{1}{10}$ - $\frac{1}{10}$

PLAT

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State of Hawaii: KA
(15,000 Ac. ± Forest/yr)
(Bd. of Comm. of Ag. & Forestry)
Exec. Dir. Mr. W. B. King
HAUULA FOREST RESERVE
ADDITION

PLAT

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ADVISORY MEET
SUBCOMMITTEE ON INVESTIGATION

PAKISTAN

FIRST DIVISION		
ZONE	SEC	PLAT
5	4	05
CONTAINING PARCELS		
SCALE: 1 in. = 200 ft.		

44-38861-1000